

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #2	CCRB Case #: 201803549	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/12/2017 2:44 AM	Location of Incident: 65th Street and 8th Avenue	Precinct: 68	18 Mo. SOL 10/12/2018	EO SOL 10/12/2018	
Date/Time CV Reported Mon, 05/07/2018 9:15 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 05/07/2018 9:15 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Philip Mei	16715	960926	068 PCT
2. POM Mark Zimmerman	08313	951468	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Philip Mei	Abuse: Police Officer Philip Mei stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Mark Zimmerman	Abuse: Police Officer Mark Zimmerman stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Mark Zimmerman	Discourtesy: Police Officer Mark Zimmerman spoke discourteously to § 87(2)(b)	
	§ 87(4-b), § 87(2)(g)	

Case Summary

On May 7, 2018, § 87(2)(b) filed the following complaint with the CCRB in-person at the agency.

At approximately 2:44 a.m. on April 12, 2017, § 87(2)(b) drove out of a gas station on 65th Street and 8th Avenue in Brooklyn and sped past a traffic light, which was green at the time. A marked police vehicle pulled over § 87(2)(b)'s vehicle (**Allegation A: Abuse of Authority, Vehicle Stop** – § 87(2)(g)) (**Allegation B: Abuse of Authority, Vehicle Stop** – § 87(2)(g)). Two officers, Police Officer Philip Mei and Police Officer Mark Zimmerman of the 68th Precinct, approached § 87(2)(b)'s vehicle and Police Officer Mei told § 87(2)(b) that he was speeding. § 87(2)(b) provided his license to the officers and they returned to the police vehicle.

When the officers returned to § 87(2)(b)'s vehicle, Police Officer Mei handed § 87(2)(b) a summons for driving through a red light (Board Review 01). Police Officer Zimmerman then allegedly said in reference to § 87(2)(b) “Fuck him § 87(2)(b). He put one of ours away. Fuck him” (**Allegation C: Discourtesy, Word** – § 87(2)(g)). § 87(2)(b) believed Police Officer Zimmerman was referring to an incident he had in 1995, when he was legally known as § 87(2)(b) where an NYPD officer was convicted for assaulting him.

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) was not arrested and no video footage was found regarding this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Philip Mei stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Mark Zimmerman stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) was interviewed at the CCRB on May 7, 2018. Police Officer Mei and Police Officer Zimmerman were interviewed at the CCRB on June 28, 2018.

It is undisputed that Police Officer Mei and Police Officer Zimmerman stopped § 87(2)(b)'s vehicle and issued him summons § 87(2)(b) for passing a red traffic light (Board Review 01).

§ 87(2)(b) stated that the traffic light was green at the time that he approached it, but he saw a hand blinking on the crosswalk signal and numbers counting down, so he sped past the traffic light in order to pass it before it changed. § 87(2)(b) stated that when the officers pulled over his vehicle and approached it, Police Officer Mei told him that he had been speeding, and § 87(2)(b) told him he did so because he wanted to pass the traffic light before it changed. Police Officer Mei issued § 87(2)(b) a summons for passing a red traffic light, but § 87(2)(b) believed that he should have instead received a summons for speeding because that was the actual violation he had committed and that was Police Officer Mei's reason for stopping his vehicle.

Police Officer Mei and Police Officer Zimmerman did not have any recollection of this incident. Police Officer Mei knew he had pulled over § 87(2)(b)'s vehicle and that he had issued § 87(2)(b) a summons for violating a red traffic light only because of the summons he had issued and the memo book entries he had prepared (Board Review 01) (Board Review 02). Police Officer Zimmerman, who was working with Police Officer Mei at the time of the incident according to the 68th Precinct's Roll Call (Board Review 03), did not prepare any documentation regarding the incident and he did not remember any of it (Board Review 02).

According to Section 4-03 of the New York City Department of Transportation Traffic Rules, vehicles approaching a red traffic light must "... stop before entering the crosswalk..." (Board Review 04). Section 4-06 of the Traffic Rules also states that "No person shall drive a vehicle at a speed greater than twenty-five miles per hour..." (Board Review 05).

§ 87(2)(b) acknowledged that he committed a traffic violation before the officers pulled over his vehicle, but he was issued a summons for a different violation that he believed he had not done. Police Officer Mei and Police Officer Zimmerman did not recall the incident, but Police Officer Mei prepared documentation that showed that the officers pulled over § 87(2)(b)'s vehicle for passing a red light. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Mark Zimmerman spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that after Police Officer Mei issued him a summons, he heard Police Officer Zimmerman allegedly tell Police Officer Mei, "Fuck him § 87(2)(b). He put one of ours away. Fuck him." § 87(2)(b) believed Police Officer Zimmerman was referring to an incident he had in 1995 when an NYPD officer was convicted for assaulting him.

As previously mentioned, Police Officer Zimmerman did not have any recollection of this incident nor did he prepare any paperwork that could have refreshed his collection, but he stated that he did not speak discourteously to § 87(2)(b) during the incident because he has never spoken discourteously to anyone during his tenure as a police officer. Police Officer Zimmerman was unaware of any prior incidents regarding an NYPD officer and § 87(2)(b).

Police Officer Mei stated that none of the officers said, "Fuck him § 87(2)(b). He put one of ours away. Fuck him." Police Officer Mei was unaware of any prior incidents involving an NYPD officer and § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- When he was known as § 87(2)(b) § 87(2)(b) had been party to two CCRB complaints and had been named as a victim in eleven allegations (Board Review 07):
 - § 87(2)(b)
- After legally changing his name, § 87(2)(b) has been party to one CCRB complaint and has been named as a victim in eight allegations (Board Review 07):
 - § 87(2)(b)
- Police Officer Mei has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.
- Police Officer Zimmerman has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of August 17, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).

Squad No.: _____2_____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date